



DAE IFW

Attorney Docket No. 037145-3302 (NC44182)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stirbu, et al.  
Title: DISTINGUISHING BETWEEN  
DEVICES OF DIFFERENT  
TYPES IN A WIRELESS LOCAL  
AREA NETWORK (WLAN)  
Appl. No.: 10/813,727  
Filing Date: March 30, 2004  
Examiner: Unknown  
Art Unit: 2681

<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.  <u>Susan T. Golab</u> (Printed Name) <u>Susan T. Golab</u> (Signature)  <u>May 10, 2005</u> (Date of Deposit)
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**RESPONSE TO NOTICE OF ABANDONMENT**

Initial Patent Examination Division  
Customer Service Center  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

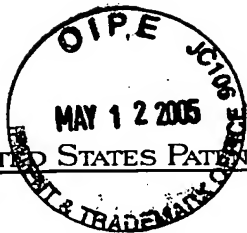
Enclosed is the Notice of Abandonment which is dated on March 14, 2005.

Also enclosed is a copy of our reply to the Notice to File Missing Parts of Nonprovisional Application as well as the return postcard with the date-stamp from the U.S. Patent and Trademark Office reflecting the timely response. We request that the U.S. Patent and Trademark Office reverse the Notice of Abandonment and issue a Corrected Filing Receipt and place the application on an accelerated examination due to the substantial delay of prosecution of this application.

Date MAY 10, 2005  
FOLEY & LARDNER LLP  
Customer Number: 27433  
Telephone: (312) 832-4553  
Facsimile: (312) 832-4700

Respectfully submitted,

By G. Peter Albert, Jr.  
Attorney for Applicant  
Registration No. 37,268



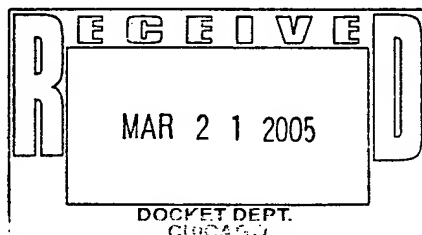
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

GPRS

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/813,727	03/30/2004	Vlad Stirbu	037145-3302

27433  
FOLEY & LARDNER  
321 NORTH CLARK STREET  
SUITE 2800  
CHICAGO, IL 60610-4764



CONFIRMATION NO. 5106

ABANDONMENT/TERMINATION  
LETTER

\*OC000000015454880\*

Date Mailed: 03/14/2005

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 06/16/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(i); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-

identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

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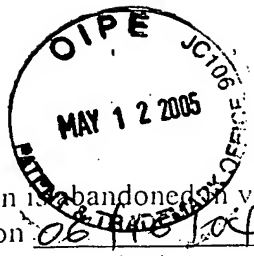
*A copy of this notice **MUST** be returned with the reply.*

Z. Moaguss

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## Notice of Abandonment

This application is abandoned in view of applicant's failure to timely file a proper reply to the Office notice mailed on 06/18/04.

### Petition to Withdraw the Holding of Abandonment

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within **2 months** from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be transmitted by facsimile directly to OIPE Customer Service at (703) 308-7751.

### Petition to Revive an Abandoned Application

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by:

1. an adequate showing of the cause of unavoidable delay;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(i); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by:

1. a statement that the entire delay was unintentional;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(m); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to Office of Petitions at (703) 305-9282.

Any questions regarding this notice should be directed to OIPE Customer Service at (703) 308-1202.

Customer Service Center

Initial Patent Examination Division (703) 308-1202



# Best Available Copy

Title: DISTINGUISHING BETWEEN DEVICES OF DIFFERENT  
TYPES IN A WIRELESS LOCAL AREA NETWORK (WLAN)

Inventor(s): Stirbu, et al.

Dkt. No. 037145-3302

Appl. No.: 10/813,727

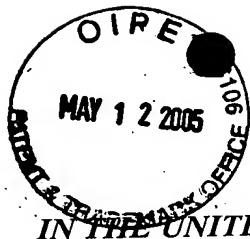
GPAJ (8/9/04)

- Transmittal of Missing Parts (3 pgs.);
- Return Copy of Notice to File Missing Parts (1 pg.);
- Declaration and Power of Attorney (4 pgs.);
- Assignment (3 pgs.);
- Assignment Recordation Cover Sheet (1 pg.);
- Request for Corrected Filing Receipt (3 pgs.);
- Corrected Application Data Sheet (3 pgs.);
- Check Number 1088 for \$40.00.

Due Date: 08/16/04  
Date Filed: 08/09/04

Attorney Initials: GPAJ  
Insp. By:





Attorney Docket No. 037145-3302 (NC 44182)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stirbu, et al.

Title: DISTINGUISHING BETWEEN  
DEVICES OF DIFFERENT  
TYPES IN A WIRELESS LOCAL  
AREA NETWORK (WLAN)

Appl. No.: 10/813,727

Filing Date: 03/30/2004

Examiner:

Art Unit: 2681

<p><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p><u>Susan T. Golab</u> (Printed Name)</p> <p><u>Susan T. Golab</u> (Signature)</p> <p><u>August 9, 2004</u> (Date of Deposit)</p>
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**TRANSMITTAL OF MISSING PARTS  
OF PATENT APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application mailed 06/16/04, in the above-identified application, transmitted herewith are the missing parts to complete the filing of the subject patent application.

Enclosed are:

[ X ] Declaration and Power of Attorney (4 pages)

Any attached specification is a copy of the specification and any amendments thereto which were filed in the U.S. Patent and Trademark Office in order to obtain a filing date for the application.

[ X ] Return Copy of Notice to File Missing Parts

[ ] Translation

**DOCKETED**

**AUG 13 2004**

- ☐ Drawings
- ☐ Preliminary Amendment
- ☐ Claim for Convention Priority and certified copy of priority documents
- ☐ Information Disclosure Statement
- ☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

- ☐ Extension for response filed within the first month
- ☐ Extension for response filed within the second month
- ☐ Extension for response filed within the third month
- ☐ Extension for response filed within the fourth month
- ☐ Extension for response filed within the fifth month

- ☒ Other: Assignment, Assignment Recordation Cover Sheet

The filing fee is calculated below:

	Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee				\$770.00	\$770.00
Total	33	- 20	= 13	x \$18.00	= \$234.00
Claims:					
Independents:	5	- 3	= 2	x \$86.00	= \$172.00
If any Multiple Dependent Claim(s) present:				+ \$290.00	= \$0.00
Surcharge under 37 CFR 1.16(e) for late filing of Executed Declaration				+ \$130.00	= \$130.00
Assignment Recordation Fee				\$40.00	\$40.00
				SUBTOTAL:	= \$1,346.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):					= \$0.00
				TOTAL FILING FEE:	= \$1,346.00
				TOTAL FEE	= \$1,346.00
Difference to pay:				- \$1,306.00	- \$40.00

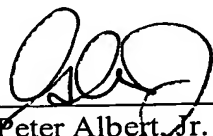
- ☒ Check in the amount of \$40.00 in payment of Assignment recordation fee

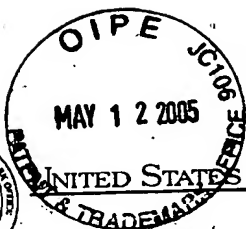
[ ] Please charge Deposit Account No. 06-1450 in the  
amount of \$0.00 in payment of surcharge fee  
(37 C.F.R. § 1.16(e))

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450.

Respectfully submitted,

Date AUGUST 6, 2004  
FOLEY & LARDNER LLP  
Customer Number: 27433  
Tele phone: (312) 832-4553  
Facsimile: (312) 832-4700

By   
G. Peter Albert, Jr.  
Attorney for Applicant  
Registration No. 37,268



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/813,727	03/30/2004	Vlad Stirbu	037145-3302

27433  
 FOLEY & LARDNER  
 321 NORTH CLARK STREET  
 SUITE 2800  
 CHICAGO, IL 60610-4764

CONFIRMATION NO. 5106

## FORMALITIES LETTER



\*OC000000012959898\*

Date Mailed: 06/16/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE